IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

OP.No. 24181 of 1998(D)

PETITIONER:

P.PRATHAPACHANDRAN, CODCE NO.0465,
SENIOR MACHANIST, TRAINING INSTITUTE,
COCHIN SHIPYARD LTD., KOCHI – 682 015.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SRI.V.VARGHESE

RESPONDENTS:
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1. **THE COCHIN SHIPYARD LTD.,**
   REPRESENTED BY ITS CHAIRMAN CUM MANAGING
   DIRECTOR, COCHIN SHIPYARD, KOCHI -15.

2. **THE DIRECTOR (OPERATIONS),**
   COCHIN SHIPYARD LTD., KOCHI – 682 015.

3. **DEPUTY GENERAL MANAGER (TRG),**
   COCHIN SHIPYARD LTD., KOCHI – 15.

BY ADV. SRI.M.PATHROSE MATTHAI (SR.)

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.42563/1998 IN O.P.NO.24181/1998 D

DISMISSED

20/08/2007 **SD/-THOTTATHIL B.RADHAKRISHNAN,**
J U D G E.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE UNION MINISTER FOR SURFACE TRANSPORT, DTD. 5/06/'93.**

EXT..P2: **COPY OF THE LETTER NO.SEC/3/93/VO/CSL DTD. 19/06/1993 OF THE COMPANY SECRETARY AND CHIEF VIGILANCE OFFICER OF THE 1ST RESPONDENT.**

EXT.P3: **COPY OF THE MEMO NO.PF/465 DTD. 1/07/1993 OF THE DEPUTY GENERAL MANAGER (TRAINING).**

EXT.P4: **COPY OF THE REPLY TO EXT.P3 SUBMITTED BY THE PETITIONER DTD. 3/07/1993.**

EXT.P5: **COPY OF THE CHARGE SHEET NO.PERL/DA-21/0465/93 DTD. 24/08/1993 OF THE 3RD RESPONDENT.**

EXT.P6: **COPY OF THE REPLY TO EXT.P5 SUBMITTED BY THE PETITIONER DTD. 26/08/1993.**

EXT.P7: **COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE CHAIRMAN AND MANAGING DIRECTOR, COCHIN SHIPYARD LTD. DTD. 27/08/1993.**

EXT.P8; **COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN O.P.NO. 2887/92-R DTD. 4/12/1997.**

EXT.P9: **COPY OF THE ORDER ON R.P.10/98 IN O.P.2887/92 R DTD. 1/06/1998.**

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O.P.NO.24181/1998 D

EXT.P10: COPY OF THE MEMO NO.PERL/DA-21/0465/93 DTD. 29/07/1998 OF THE 3RD RESPONDENT.

EXT.P10(A): COPY OF THE ENQUIRY REPORT.

EXT.P11: COPY OF THE REPLY TO EXT.P10 SUBMITTED BY THE PETITIONER.

EXT.P12: COPY OF THE MEMO NO.PERL/DA-21/0465/93 DTD. 26/08/1998 OF THE 3RD RESPONDENT.

EXT.P13: COPY OF THE APPEAL SUBMITTED BY THE PETITIONER BEFORE THE DIRECTOR (OPERATIONS) DTD. 11/08/1998.

EXT.P14: COPY OF THE ORDER NO.PERL/DA-21/0465/93 DTD. 15/10/1998 OF THE DIRECTOR (OPERATIONS) AND APPELLATE AUTHORITY.

1ST RESPONDENT'S EXHIBITS:

EXT.R1(A): COPY OF THE ORDER G.O.9RT) NO.3420/2005/LBR DTD. 31/12/2005 ISSUED BY THE GOVT. OF KERALA.

EXT.R1(B): COPY OF THE GRIEVANCES PROCEDURE APPLICABLE TO THE WORKMEN OF THE RESPONDENT COMPANY.

/TRUE COPY/

P.S.TO JUDGE

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.24181 of 1998-D

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Dated this the 20th day of August, 2007.

JUDGMENT

This writ petition relates only to punishment imposed on the petitioner by barring one increment for two years. As stated in paragraph 4 of the affidavit dated 1st August, 2007 sworn to by the Executive Director (ACP/HRD) of the Cochin Shipyard in support of I.A.10638/2007, the financial impact of the impugned decision is only to the extent of around Rs.4,000/- and the career advancement of the petitioner was not affected due to the imposition of that punishment.

2. Having perused the enquiry report and the other relevant materials on record, including Ext.R1(b) placed on record by the respondents as per I.A.10638/2007 following

the earlier order of this Court dated 18-7-2007, I do not find that the management could be found fault with for the imposition of the punishment as aforesaid. This is particular so because, the enquiry officer had clearly concluded that the grievance mechanism which is a term of the long term settlement was not adhered to by the petitioner in the matter. I, therefore, do not find any jurisdictional error or legal infirmity in the impugned action.

In the result, subject to what is stated above regarding the effect of the punishment in question, this writ petition is dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.24181 of 1998-D

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JUDGMENT

Dated: 20th August, 2007.